

THE KASTNER CASE

Aftermath of the Catastrophe

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BY AUGUST 1944 the Third Reich was defeated and most everybody knew it—even Hitler, Himmler, and the Supreme Command of the Wehrmacht. One question alone remained unanswered—when the war would actually end.

The war went on. The Allies could wait—whether the German surrender came in six months, in a year or in two, could no longer influence the outcome. But there was one people in Europe that could not wait. For them each day was of the most vital importance. Even though the Germans were in retreat everywhere, smoke still rose from the chimneys of Auschwitz, Maidanek, and the other death camps. For their operation, Hitler still had men, time, and money to spare. Though all his other aims might go unrealized, one, he was determined, would not: a Europe without Jews. The German, Austrian, Polish, Czech Jews, those in the occupied parts of Russia—almost all had been exterminated. But “work” remained to be done at Auschwitz, where 12,000 Hungarian Jews were arriving daily. To “cope” with this new influx, a new extermination camp, Birkenau, had been opened near it, and was working at full speed.

THE Kastner case had all Israel aroused some months back, but relatively few people in this country are acquainted with the facts or the anguishing issues it brought to the fore. WALTER ZE'EV LAQUEUR, who presents the whole story here, has appeared in COMMENTARY previously, with “Israel's Great Foreign Policy Debate” in August 1955. Until lately he was political commentator for Israel's radio station. Born in Breslau, Germany, in 1921, he came to Palestine in 1938. A book by him, *Nationalism and Communism in the Middle East*, is soon to be published in this country.

A TRAIN with about a thousand Hungarian Jews left the Bergen-Belsen camp in Western Germany, and after various detours necessitated by Allied air raids, arrived at the Swiss border, which was crossed on August 21, 1944. In December a second such train halted at the border and its passengers likewise crossed over into Switzerland. Thus the lives of a total of 1,685 Hungarian Jews were saved. It is unlikely that Hitler knew anything about it; on the “Jewish question” he remained uncompromising to the end. Himmler, for his part, pretended ignorance of the event. The 1,685 owed their lives to a local agreement between a representative of the Hungarian Jews, Dr. Rudolf Kastner of Cluj (Klausenburg), and a few middle-ranking SS leaders named Eichmann, Becher, and Wisliczeni, who later achieved deserved notoriety at Nuremberg.

Reju Kastner (as he was known to his friends) was then just thirty years old. After studying law in his home town and at the German University in Prague, he had practiced law in Cluj. In 1940, when Transylvania was ceded to Hungary, he became vice president of the Zionist Organization in Budapest and moved there with his family. He was of medium height, wore black horn-rimmed glasses, and his graying hair was brushed back. He was very skillful in dealing with people: one or two generations back he would undoubtedly have become a *Hofrat* under the Austro-Hungarian monarchy. In France he might have become a minister, in Germany perhaps counsel for a big corporation with strong political interests. Kastner had unbounded political ambitions, the number of friends who swore by him was large, but through the years he had also acquired many bitter enemies. He

was clever, but not clever enough. To put it precisely—he did not possess that strength of character, that unswerving purposefulness which ultimately distinguish the great from the average politician. In the Budapest of 1943 Kastner became neither a *Hofrat* nor a corporation lawyer, but chairman of the Rescue Committee of the Jewish Agency for Palestine, which had just been set up. This job did not hold out any promise of honors, medals, or speedy promotion, but it was of outstanding importance for Hungarian Jewry; it meant power—insofar as one could speak of power at all under such conditions.

On March 19, 1944, German troops entered Hungary. Admiral Horthy was placed in a kind of honorary custody, and the Hungarian Nazis, the Arrow Cross party, took over. The Hungarian Jews had already suffered persecution, but Horthy and his ministers had refused to countenance any "final solution." Jews had been driven from their homes and left to starve, many had been arrested, but none had yet been sent to extermination camps.

On March 23, Dr. Kastner was summoned to *Hauptsturmfuehrer* Dieter Wisliczeni at German headquarters on the Schwabenberg. Wisliczeni locked his office door behind Kastner and, after a great display of joviality, finally drew a letter from his pocket. It was short, written in Hebrew, and came from Rabbi Weissmandl of Pressburg (Bratislava), stating that Wisliczeni was a man who could be worked with. "Have you read and understood it?" "Yes," Kastner replied. Wisliczeni threw the letter into the fire. Kastner then said: "I am at your disposal. What do you want?" "We want money for every Jew who is to be saved," answered Wisliczeni. "Excuse me—does that mean *we* or *me*?" asked Kastner. That was none of Kastner's business, replied the *Hauptsturmfuehrer* brusquely. "You will hear from me," Kastner said.

Kastner conferred with his colleagues on the Rescue Committee: all were in favor of continuing negotiations if only to gain time. They did not try to figure out the motives of

the SS—the Third Reich was breaking up, some Nazi leaders wanted to keep a back door open, others wanted to get rich quick. And why should the SS be less corrupt than any other Nazi "elite"? Something had to be done, but how could one get hold of the necessary money? Telegrams were sent to the representatives of the various Jewish organizations in Istanbul, Zurich, and Lisbon. Meanwhile the negotiations with Wisliczeni continued, but without any tangible result.

Six weeks later, early in May of 1944, Joel Brand, another member of the Rescue Committee, was summoned to the Schwabenberg by *Obersturmbannfuehrer* Adolf Eichmann, head of the "Jew Commando" and Wisliczeni's boss. He was the Nazis' specialist on Jewish affairs, knew Yiddish and Hebrew, and was said to have been born in the German Templar settlement of Sarona in Palestine. Eichmann dispensed with introductory niceties. "You know who I am. I'm the man who liquidated the Jews of Poland, Slovakia, and Austria, and now I have been appointed head of the Liquidation Commando in Hungary. I'm willing to do business with you: human lives for merchandise." Eichmann smiled diabolically, which came naturally to him, and went on: "What do you want—women who can bear children? Men who can make them? Children? Old people? What's left of the biological potential of your people? Speak up!" But for the moment he did not really expect an answer, for now came the second part of his offer: "For the million Jews left I want ten thousand automobiles. In addition, one thousand tons of coffee or tea and one thousand tons of soap." As a first installment, Eichmann wanted a 10 per cent delivery of this amount of goods as quickly as possible, and in return was willing to let one hundred thousand Jews go to Spain or anywhere else—except to Palestine, for he had solemnly promised his friend the Grand Mufti, Haj Amin el Husseini, not to permit that. Brand was dismayed by the offer and did not know what to say.

Four days later, on May 15, he was again

sent for by Eichmann. "You can go to Constantinople right away and talk to your people about getting hold of the money. In the meantime the deportations will begin. Twelve thousand Jews a day will be fed into my meat-grinder. Tell your people that!" With these words Eichmann smilingly dismissed Joel Brand, who flew to Turkey on May 19, leaving his family behind as hostages.

That same day the deportations began. Kastner visited Eichmann three times within two weeks. The mood of the chief of the Liquidation Commando changed with every report from the front: first he threatened to send Kastner to Auschwitz on the next train; then on June 3 he said that to show his good will he was ready to release a few hundred Hungarian Jews. On June 15 he even said that he wanted to send fifteen thousand Jews to Austria instead of to Auschwitz and put them in "cold storage" there, as he expressed it. In return he wanted five million Swiss francs. Nobody knew whom he intended to share this sum with, or whether he intended to share it at all. In any case, the Budapest Rescue Committee did not have the money: so it decided to sell one hundred and fifty places on the train to Austria (which went to Switzerland in the end) in order to collect the ransom price for the total number.

Of the 1,685 Jews on the two trains that reached the Swiss frontier in August and December 1944, 388 came from Cluj, Dr. Kastner's home town. How had these passengers been selected? The final decision had, of course, lain with the SS. But Eichmann had used the list compiled by the Rescue Committee.

On June 30 the train left Budapest. Hundreds of thousands of Hungarian Jews remained behind. By way of Bergen-Belsen the train finally reached Bregenz on Lake Constance. After a few hours of breathless waiting, the passengers were taken across the Swiss border to Lustenau, where a lighted train was waiting. They were saved.

Kastner accompanied the train, but did not remain in Switzerland. On orders of the

Jewish rescue organization, he stayed in contact with the Nazi leaders and continued his efforts to buy back the lives of the Jews of Hungary. Now he dealt chiefly with Kurt Becher, an SS *Standartenfuehrer*, who shortly before the fall of the Third Reich became special commissioner for concentration camps. Becher took him to Vienna and to visit Bergen-Belsen and Theresienstadt. Considerable sums of money were paid Becher in return for his efforts. In March 1945 Kastner came to Berlin to meet with Himmler; he was afraid of a final massacre before the entry of the victors. Panic reigned among the Nazi leaders, but the meeting with Himmler never took place. On April 20, 1945, Kastner crossed the Swiss frontier. At the camp where the passengers of the 1944 transport were living, a great banquet was held in his honor at which he was hailed as a savior and presented with a beautifully framed picture.

Thus did the curtain fall on the first act of this tragedy in which horror went hand in hand with confusion.

THE Jerusalem District Court is located on Russian Square, and is flanked by the police headquarters, a first-aid station, the government Information Office, and the Russian-Palestinian Society after which the square is named. Founded in Czarist times for purposes of cultural propaganda, the society has recently been revived by the Soviet Union. All these buildings are old and unsightly, in Arab style, with thick walls and dark passages exuding a faint smell of carbolic acid.

In this court the trial of one Malkiel Greenwald began on January 1, 1954. Greenwald was accused of having violated Article 201, Section 1 of the Criminal Code of 1936 (libel). The trial attracted little notice. Only a few reporters were in the courtroom and neither they nor their editors felt like giving more than a few lines to the case. The prosecutor had already presented his case in May 1953, and all the facts were known. That morning, the proceedings took only a few minutes. The indictment was

read, Greenwald pleaded not guilty and asked for an adjournment in order to retain counsel; this was granted by the judge, Dr. Benjamin Halevi.

Greenwald was a small man of over seventy, bald, with a screwed-up face and unsteady glance. He had been born in Shofron, Hungary, and as a young man had for some time been employed in the Austro-Hungarian consular service. He had graduated from the University of Budapest, been publisher of a weekly, and in 1938 had come to Palestine where he had joined Mizrachi, the Orthodox religious middle-class party. But his real sympathies were of a more radical nature: in word and deed he—and his children—supported the terrorist Irgun Zvai Leumi. After the founding of the State of Israel he began putting out a mimeographed newsletter, *Letters to the Members of Mizrachi*, that specialized in rumors about prominent political personalities; these were reported in Greenwald's own peculiar Hebrew. "How could X afford to buy a house in Y?" "How can Z manage to spend every Christmas with his parents-in-law in England?" and so on. In the course of his campaign for Israel's moral regeneration, Greenwald one day started the Kastner case on its way. This particular newsletter, Number 17, began as follows:

Beloved friends! I smell rotting carrion! What a first-rate burial we're going to have! This Dr. Rudolf Kastner has to be finished off! For three years I have been waiting for the moment to unmask this careerist who grew fat on Hitler's plunder and murders. Because of his criminal machinations and his collaboration with the Nazis I consider him implicated in the murder of our beloved brothers, etc., etc.

So far nobody had taken Greenwald's sheet seriously, and he knew that under the criminal code the kind of innuendo he dealt in was at worst punishable by a small fine, and that he would at least get publicity in return. What they surely would not do was throw an old man like him into jail.

Up to that point, then, nobody had taken Greenwald seriously—nobody except Dr. Dov Joseph, a Canadian by birth, a prominent

lawyer, and at that time Israel's Minister of Commerce and Industry. Kastner was the public-relations voice of his ministry, and Dr. Joseph demanded that he be cleared once and for all of accusations like Greenwald's that had been made against him from time to time.

Kastner had come to Israel in 1946 and become very active in public life. He was chairman of the World Committee of Hungarian Jews, head of the Hungarian section of the radio station of the Jewish Agency, and co-publisher of a Hungarian-language paper, *Uj Kelet*. He had joined Mapai, and at Knesset elections that party honored him by making him one of its candidates, though he was never elected. Just as back in Cluj and Budapest, Kastner was very ambitious and had friends ready to stick by him through thick and thin, but also many bitter enemies. Accusations against him had been investigated several times by courts of honor of the Zionist movement and by his own party, but had in every case been rejected as without substance or unproven.

ONCE again Greenwald appeared in the District Court, on January 17, this time accompanied by a young lawyer, Shmuel Tamir. Tamir was the best known and undoubtedly most skillful lawyer of the younger generation in Israel. A right-wing radical, he had been the Jerusalem commander of the Irgun, and had won his reputation the year before as the successful defense counsel for a group of young terrorists who had been accused, among other things, of throwing a bomb into the Soviet embassy in Tel Aviv at the time of the Moscow doctors' case. On that occasion he had tried to show that the real responsibility for the bombing rested with Ben Gurion and his speeches. Tamir was an extremely keen dialectician and a master of cross-examination, but also seemed without scruples. Yet he appeared really to believe in his mission: he was no actor but a fanatic. On January 17 he appeared for the first time before the court, requesting a further adjournment in order to brief himself for the trial. The judge

granted the request but sentenced Greenwald at the same time to a small fine for negligence in preparing his defense.

Another month elapsed before the trial began in earnest. Kastner was the first on the witness stand: "I was born in Cluj in Transylvania. By profession I am a lawyer and journalist. . . ." He spent three days on the stand, reporting in detail about his activities as a member of the Budapest Rescue Committee, quoting documents, statistics, and other persons' accounts of his activities. But it was not made quite clear why the prosecution had produced Kastner at all. In the opinion of most lawyers a conviction could have resulted only from evidence that Greenwald had in fact violated the provisions of the Criminal Code. But the public prosecutor apparently wanted to do more than just win the case; he wanted to clear Kastner once and for all of such charges.

At that point Tamir, too, was completely unaware of the possibilities the case offered him. Three days after the opening of the trial Judge Halevi asked whether the defendant was prepared to retract his accusations and apologize. And lo, Greenwald and Tamir were willing to meet him more than halfway. But the public prosecutor demanded a completely unequivocal apology, which Greenwald was not willing to give. So the trial continued.

For another twelve days Kastner underwent cross-examination by Tamir. It all began very innocently with requests for further information on this or that point. Then Tamir asked suddenly: "And how did it happen that Kurt Becher, the high-ranking SS leader and war criminal, was acquitted at Nuremberg as a result of your intervention and testimony?" Kastner cried: "That's a lie! I never testified for him!" With that, he had fallen into Tamir's trap. This first inconsistency led to a second, third, and tenth, until there was no way out for him. For Kastner *had* testified at Nuremberg, on August 4, 1947, asking that Becher's services be accorded the "fullest possible consideration," and Tamir had had no trouble in obtaining a transcript. But worse was to fol-

low. At Nuremberg Kastner had stated that the Jewish Agency and the World Jewish Congress had authorized him to give his testimony in Becher's behalf; this turned out not to have been so. Moreover, a year later, in a letter to Israel's first Minister of Finance, the late Eliezer Kaplan, Kastner had expressly stated that Becher was acquitted on the strength of his, Kastner's, testimony.

Tamir tightened the screws mercilessly. Had Becher been a good Nazi? No. Had he taken money and valuables wherever and whenever he could? Yes. Wasn't it a national crime to testify on behalf of an SS officer and recommend his acquittal? Yes.

THAT was the beginning of the end. From there on it was easy for Tamir to show that a Jew willing to testify for a high-ranking SS officer was capable of any infamy. And if Kastner had intervened on Becher's behalf, it meant that there must have been good reason for it—that Kastner had been in cahoots with Becher! How could one believe a man like Kastner who had already proved himself a liar? Weren't all his other statements lies too?

Kastner's answers came ever more haltingly; little was left of his original self-assurance. Meanwhile Tamir's aim became more and more apparent. He was trying to show that Kastner had been a common collaborator, a war criminal, "the greatest Nazi agent in Europe." Why else should the SS men have been so willing to negotiate with a young lawyer from Cluj? He tried to prove that Kastner had systematically obstructed every attempt to create an underground organization among the Hungarian Jews. That he had lulled them into a false sense of security when deportations had already begun. That he had tried to stop definite news about the extermination camps from reaching the outside world. That he had divided up with Becher the millions the latter had received in ransom money. That the 1,685 Hungarian Jews who reached Switzerland had been nothing more than a sop to his conscience in return for sending hundreds of thousands of others to their deaths. That

he had persuaded the Jewish parachutists who arrived in Budapest from Palestine in 1944 to give themselves up to the Gestapo voluntarily—again only in order to foil all resistance by the Hungarian Jews. That among the 1,685 saved, 388 had come from Cluj, Kastner's home town, and among them had been almost all his own and his wife's close relatives.

All this and several other things Tamir tried to prove, and his tactics brought him increasing success. From counsel for the defense he had turned into prosecutor. Kastner and his legal advisors lost their heads and began committing one blunder after another. The trial had long since become a major political affair, and Judge Halevi had to transfer the hearings to a larger courtroom.

His demagoguery notwithstanding, Tamir had on his side the millions of Jews whom Kastner and the Jewish Agency had been unable to save. Just as the Nazis under the Weimar Republic had used the legend of the "stab in the back," and as McCarthy and others in the United States had talked about the "betrayal of China," so Tamir tried to unload the blame for the catastrophe on the *mossdot ha'leumiim*, the Jewish national organizations. And because the destruction of one-third of their number was a heavier burden for Jews to bear than the loss of a world war was for Germany, or the Sovietization of China for the United States, Tamir did not find it hard to gain willing ears for his own new "stab in the back" legend. If not for men like Kastner, he argued, everything would have been different. The Kastners were at fault, they were the real war criminals. It was to Tamir's advantage that the catastrophe itself had been so utterly incredible that many Jews were ready to accept incredible explanations for it.

EIGHTEEN witnesses appeared for the prosecution and thirty-six for the defense. The trial was assuming mammoth proportions. Meanwhile Judge Halevi hardly interfered. Among the witnesses called by the prosecution, Ehud Avriel and Menachem

Bader attracted particular attention. Avriel was a member of Mapai, a former Israeli minister to Prague, and a right-hand man of Ben Gurion. Bader was a member of the oppositionist, pro-Soviet Mapam. Both had been in Istanbul during the war and served on the commission of the Jewish Agency whose task it was to maintain contact with Jews in the occupied countries and to help in their rescue. Tamir wanted to prove that Avriel and Bader were liars and traitors, too, and had sabotaged the rescue attempts. All this had little to do with the Kastner-Greenwald case, but was aimed at discrediting the majority parties in Israel. Judge Halevi barely interfered. Shortly before the opening of the trial he had resigned from the bench because he had been passed over when a new appointment was made to the Supreme Court of Israel; perhaps a member of a government party had been given the preference over him? A few weeks later Halevi was to withdraw his resignation.

Then Joel Brand's activities were brought up. As mentioned above, Brand had carried Eichmann's offer to the Jewish representatives in Istanbul in May 1944. While there he had conferred with Avriel and Bader. Tamir now attempted to prove that Avriel had persuaded Brand to go to Palestine, although well aware that the British would arrest him at the Syrian border. Avriel and the heads of the Jewish Agency had allegedly been interested in having Brand arrested because they had not wanted the truth about the mass murders to become known in Palestine and the rest of the world. Brand had been arrested by the British at the Syrian border as an "enemy alien" and taken to Cairo. There he had met Moshe Sharett and Lord Moyne, the British Minister for Middle Eastern Affairs, as well as some top-level British counter-intelligence officers. Eichmann's offer was transmitted to London. Winston Churchill would have liked to do something for the Jews but did not know what; besides, at the time he was concerned mainly with the conduct of the war and final victory rather than with political details. Lord Moyne had asked: "What

would I do with one million Jews?" Foreign Minister Eden had said nothing, but probably had thought the same.

After a few months Brand was released and reached Palestine. No answer concerning Eichmann's offer was forthcoming. Why should one give any credence to the word of a mass murderer? Besides, the Allies could not enter into such transactions without making themselves and their war effort look ridiculous. These and similar objections were to be heard in London, Moscow, and Washington. Perhaps they were valid. But it was also true that 12,000 Hungarian Jews were being killed every day.

THEN followed the examination of Joel Palgi. Palgi was a major in the Israeli army and one of the directors of the Israeli air line El Al. Of Hungarian origin, he had known Kastner in the Zionist youth movement and had been one of the parachutists sent to Yugoslavia in 1944 and from there to Hungary. He had written a widely read book about his experiences. In the middle of April 1944 a British transport plane had taken him and a friend of his from Brindisi to Yugoslavia. In two weeks Palgi was in Budapest, only to surrender to the Gestapo a few days later. Hanna Senesch, another parachutist, who had got to Budapest in March 1944, was at that time already in a Hungarian prison. Tamir now tried to show that Palgi had voluntarily given himself up to the Gestapo and had divulged important information without being forced to do so; in other words, that he was a traitor and not at all a national hero, and that his book was full of lies. It did turn out that Palgi's book had not always reported the complete truth, and on a few points even the opposite of the truth. Again and again Tamir was to return to this: Do you admit that on this point you did not tell the truth? Would you not consider that description in your book a lie?

Palgi testified that in April 1944 no Jewish resistance could have been organized in Budapest, and that Kastner, whom he had sought out, had told him that Hungarian

counter-espionage was already on the lookout for Palestinian parachutists. This did not sound implausible, since Hanna Senesch and a few others had already been caught. Kastner had told him furthermore that his presence, far from being a help, was likely to interfere with Kastner's negotiations with the Nazi leaders and thereby threaten the only rescue attempts possible at the time. Thereupon Palgi and Perez Goldstein, his friend and companion, had decided to surrender to the Gestapo. Under the circumstances this had certainly required a good deal of courage. Tamir, however, was not of that opinion and considered their conduct treasonable. It was not easy to prove this, because it was psychologically rather unlikely that Goldstein and Palgi had made their way from Palestine to Budapest only in order to surrender to the Gestapo.

At this juncture a Frenchman suddenly appeared in court, one Antoine Tissonnier, who had traveled from Yugoslavia to Budapest together with Palgi and Goldstein and had been arrested with them in Hungary. Tissonnier reported how Palgi and Goldstein had been tortured by the Gestapo and that whatever statements had been wrung from them had by no means been made voluntarily. Against this witness, Tamir was powerless, not because the Frenchman was mentally superior to the defense counsel—Tissonnier was no intellectual and the entire proceedings, conducted as they were in an unintelligible language, were noticeably foreign to him—but because he as a Gentile stood outside Israeli political squabbles. It was completely immaterial to him whether his testimony benefited or harmed Mapai or Irgun. He wanted only to tell the truth as he remembered it.

Nevertheless, Tamir had won another success. It did look as though Kastner had handed the parachutists over to the Nazi executioner (Hanna Senesch, Goldstein, and most of the others had been executed). At the same time Tamir tried to show that these parachutists—all of them "leftists"—had not been national heroes at all; and that it followed that the real fighters for the

liberation of Israel had to be looked for in the ranks of Tamir's friends, Irgun Zvai Leumi.

Jerusalem in midsummer is not the pleasantest place in the world, particularly not in the forenoon when the dry, cutting hamsin is blowing from the east. But the trial went on without interruption. Among Tamir's thirty-six witnesses for the defense were some strange characters. One of them was Adalbert Lewinger, a very forceful young man who introduced himself as the pre-war leader of an Orthodox youth organization in Transylvania. He stated that after the war there had been a great deal of bitterness in Cluj against Kastner and his helpers and that the authorities had instituted proceedings against some of the members of the *Judenrat* that had functioned under the Nazis. At this point, however, the prosecutor suddenly leaped to his feet: "Mr. Lewinger, is it true that before your immigration to Israel you took a special course with the CDE?" The CDE was the Jewish Communist organization in Rumania, bitter foe of Zionism and of Israel. Lewinger's "no" to this question came after a good deal of hesitation. "Is it not true that on the boat coming here you were beaten up and would have been thrown overboard if the crew had not interfered?" Apparently, Lewinger had been smuggled into Israel as a Communist agent; the Kastner trial put an abrupt end to this phase of his career.

One of the principal witnesses against Kastner was Moshe Krauss, former head of the Palestine Office in Budapest. He, too, had been in Hungary during the war and had been in contact with the Red Cross, the Swiss consul, and other neutral diplomats. Displaying a thorough knowledge of the facts, he severely criticized Kastner's dictatorial methods, but did not deny that he had always been an opponent—not to say a personal enemy—of Kastner's.

ALL this created far less of a stir than the appearance of the "official witnesses," Dobkin, a member of the Executive Board of the Jewish Agency, and Gideon Rafael

and Shmuel Ben Zur, leading officials of the Israeli Foreign Office. They testified unwillingly; their memories often had to be refreshed, and on Tamir's motion the judge termed one of them a "hostile witness." And if a man was reluctant to testify, he obviously had something to hide! The belief gained ground that Tamir might have been right in insinuating the existence of an Israeli government clique whose members favored and protected one another.

The truth, however, was somewhat more complicated. We must not forget how important the political background of the trial had become. The "official witnesses" were being constantly provoked by Tamir; in fact, his mere presence offered a provocation to them. The old conflict between the Haganah and Irgun was being re-enacted. What had once been the Haganah was now the Israeli army, whereas Irgun, or the National Military Organization, had disappeared, or rather had been transformed into a diehard party of the far right, the Herut. In 1944 people like Palgi, Bader, and Avriel had been trying their hardest to save Jewish lives, often at the risk of their own. Palgi had made his way to Budapest in 1944, at a time when Tamir's friends were busy robbing banks in Palestine and engaging in similar acts of sabotage; these acts were accompanied by danger, too, but contributed little to the rescue of the Jews of Europe.

One can imagine what effect Tamir's annoying and frequently sarcastic questions had on these individuals. Psychologically, their anger was understandable, but it led them into blunders. Instead of conceding that here and there mistakes, and serious ones, had been made in their efforts on behalf of European Jewry, they refused to admit having made any. Tamir and his friends could claim the same, and with more warrant, but only for the simple reason that they had tried to do hardly anything for the Jews of Europe.

In Israel no one had so far attempted to get to the bottom of these things. Not a single serious book on the Third Reich's policy towards Jews had been published

there. Hebrew translations of countless books in all languages had been published, but neither Gerald Reitlinger's *The Final Solution*, nor Léon Poliakov's *Harvest of Hate* was among them.* That Kastner had testified for Becher in 1947-48 was clearly on record in the transcript of the Nuremberg Trials, which was not kept secret but made fully available in book form. It was strange how things that should have been known in 1948 to anyone interested all of a sudden become sensational news in 1954. Kastner's conduct should have been investigated in 1946; eight years later, many things had been forgotten, many facts could no longer be checked, it was difficult if not impossible to recall the atmosphere of 1944.

AFTER a brief adjournment the court resumed its sessions on August 9.

A few witnesses were called back to the stand and Tamir made a trip to Switzerland to gather more material. Kastner had been the first witness, and he was the last one, too. But he had nothing of importance to add: "I very much regret that in this trial far too few details have been touched on concerning our work in Budapest during the war, such as our contact with the Jews in Poland and our efforts to help the Jews in other occupied countries. For us the question of negotiating with the Germans had always been one of tactics, never of principle. That was also the reason why in December 1944 I returned to Germany from Switzerland, although of course it was by then obvious who would win the war."

He concluded his statement with these words: "I only hope that one day we shall have the opportunity to evaluate this whole tragic epoch outside the confines of a courtroom. We merely wanted to do our duty—under conditions that were completely unprecedented. Neither I nor my comrades have anything to hide in this matter and need not regret that we followed the dic-

tates of our conscience—in spite of all that has been said against us in this trial."

Next morning Chaim Cohen, counsel for the government, began his final statement for Kastner. Tamir had blamed Kastner for the extermination of hundreds of thousands of Hungarian Jews, for the dissemination of "tranquillizing" rumors after the deportations had started, and for the prevention of an armed rising by the Jews in Cluj and other towns in Hungary and Transylvania. Cohen showed that Kastner had been responsible neither for these rumors nor for the fact that the bulk of the Hungarian Jews—children, women, and old people—had been incapable of offering resistance to the Nazis. Kastner had been accused of not warning world opinion and of having obstructed the circulation of news about the deportations and the mass murders; but Cohen produced editorials and headlines in the Hebrew press for the spring of 1944 showing that these accusations were fantastic. He showed that Tamir himself could find no fault with the content of Kastner's Nuremberg testimony for Becher, apart from the fact that such testimony had been offered at all. Tamir had stressed again and again that Kastner had been "Becher's guest" when he went to Berlin to see Himmler in the winter of 1944-45—but with whom else could he have stayed?

Or did Tamir want to claim that nobody should have negotiated with Himmler as long as there was the faintest chance of saving Jewish lives? Kastner may have made mistakes but there was no reason at all to assume any criminal intent on his part. How could one condemn him for not knowing in April 1944 what would happen three months later? After seven hours, Cohen concluded his statement with the plea that Greenwald be found guilty.

The next morning Tamir began his final statement, which lasted thirty hours. It was a holy deed, he said at the outset, to have at long last lanced this festering wound. The Jewish people were not guilty, but its leaders, men like Kastner, were. Kastner had not started out as a traitor, but

*Both reviewed in COMMENTARY in January 1955 by Solomon F. Bloom. The original French edition of Mr. Poliakov's book was reviewed by Hannah Arendt in our March 1952 number.

in his dealings with the Nazis he had become one: he had offered them his little finger but they had taken his whole hand. He had sabotaged the resistance movement, sacrificed the parachutists, obstructed every rescue attempt, and seen to it that the news of the exterminations did not spread abroad. Tamir went into detail, recalling the inconsistencies and contradictions in which Kastner and other witnesses had become entangled. His speech was a masterpiece of rhetoric. He knew the answers to all the questions that had been torturing every Jew since the catastrophe. Who was to blame? It was the present regime in Israel, the people who were protecting Kastner until the end, the defeatists who always and everywhere had opposed armed insurrection.

Tamir argued with seemingly invincible logic, but his whole argument rested on a single assumption: that no one would ask how much Kastner and his colleagues in Budapest had actually known in the summer of 1944 and how much they could possibly have done at that time. Tamir argued from the facts available in Jerusalem in October 1954, assuming that one should have acted in 1944 in the light of this knowledge. He concluded with two demands: that Greenwald be acquitted and that the accusations against Kastner and his associates be investigated by the court.

IT TOOK another nine months for Judge Halevi to write his opinion. In Israel and in the rest of the world a good deal had happened in the meantime, and the trial that had created such a sensation in the summer of 1954 was almost completely forgotten. At the end of July 1955 general elections were to take place in Israel and the election campaign was conducted with unprecedented bitterness. So far, however, no one had thought of using the Kastner case as election propaganda. Judge Halevi chose to pronounce his judgment at a moment that insured its reappearance in the headlines—but perhaps this is unfair, perhaps the trial meant more to him than the elections and their outcome. I don't know.

At any rate, four weeks before the voting, on the hottest day of the year, he began to read his verdict in the District Court on Russian Square. Sentence and opinion filled three hundred typewritten pages. It soon became clear that Kastner had lost his case. Halevi condemned his negotiations with the SS leaders, and particularly those resulting in the transfer of the 1,685 from Bergen-Belsen to Switzerland. "*Timeo Danaos et dona ferentes*—in accepting this gift he had sold his soul to the devil." From then on he was in effect a creature of the Nazis, helping them to deport and destroy the Jews of Hungary quickly and efficiently. Halevi found all Greenwald's charges proven with the exception of one—that Kastner had laid hands on any part of the so-called "Becher treasure," and Greenwald was sentenced to pay a token fine of one Israeli pound (\$2.80). However, the court would defray part of his legal costs, Judge Halevi wanting to show thereby that the revelations made in the course of the trial had special importance in his eyes.

The following day the government decided to appeal Judge Halevi's decision to the Supreme Court of Israel. This step was not approved of by the second largest party of the country, the General Zionists; probably more motivated by their hopes in the coming elections than by anything else, they resigned from the government.

Public opinion was stirred up to an unprecedented degree by the verdict. Two weeks after the decision was handed down, two books about the trial had already appeared, and they became best-sellers. Once the Kastner case (Greenwald was quickly forgotten) had become *res judicata*, anything could be said and written about it, and the Israeli newspapers took full advantage of the opportunity. Herut and the Communists tried to exploit the disclosures of the trial in campaigning against Mapai. The Communists, though never directly involved in the trial, went even further than Herut and demanded that Kastner be prosecuted on the basis of the law against Nazi collaborators. This was a risky thing to do, for this same

law exposed the Communist party's own top command to indictment; until June 22, 1941, it had called for "Peace with Hitler" and its leaders had been arrested by the British for "sabotage of the war effort." Most of the Israeli press took a critical view of the Communist proposal, and all of them doubted whether a court in Israel was competent to judge events that had taken place in Hungary in 1944. In their opinion only those were morally entitled to sit in judgment on Kastner who had been on the scene themselves. But even from a purely technical point of view, it was impossible to apply the criteria of another time to the conditions prevailing in Hungary in 1944: in every case of doubt the judge should have accepted the interpretation more favorable to Kastner. And the Kastner case was shot through with doubt from beginning to end.

Léon Blum once wrote that the Dreyfus case was unintelligible unless one remembered that it began less than eight years after General Boulanger's abortive *coup d'état*. Similarly, the storm over Kastner broke eight years after the founding of the State of Israel. The latter was admittedly anything but an abortive *coup d'état*, but for all the success that the Jews of Palestine had had in fulfilling their national aspirations, a variety of interests had remained unsatisfied. The initial enthusiasm of 1948 had gradually waned. People cannot live for years on end in a frenzy of national fervor and of tension. Between 1950 and 1955 the tension in Israel had abated. There was really nothing to be surprised at in the fact that those who had been, or felt, short-changed in 1948 should have meditated revenge. In many respects the "Kastner Case" was really a "Tamir Case"; Greenwald's defense counsel belonged to a party that had had no choice all these years but to stay in the opposition. The government had kept it at arm's length, allowing none of its leaders to occupy a prominent public office. Small wonder that under such conditions hatred of the "regime" grew apace.

It must be admitted that in the course of the trial some alarming disclosures were

made—alarming for the government. The picture of a corrupt ruling clique painted by Tamir and his colleagues may have been a caricature, but the reticence of the government's witnesses and their desire to protect their old comrades-in-arms at any price could not always be explained by reasons of state. It became evident that the "regime" was in fact showing symptoms of fatigue, like any other party that had remained in sole charge of a government for many years.

AS FOR the principal figure in the trial, Kastner: he had the bad luck to be the plaintiff technically, and not the defendant, and thus he had had no real opportunity to defend himself. He had had the further misfortune of facing a judge who was no doubt a decent and completely independent man, determined to administer justice, but who was also a narrow-minded man, devoid of historical perspective, and lacking in the capacity to put himself in another person's place—and these were most important requirements for delivering a verdict in this trial. Had he possessed these qualifications, he might have refused to be the sole judge of this, the most tragic epoch in Jewish history. That he, a lone individual, was ready to undertake to do so can be understood either as evidence of considerable personal courage or else of lack of imagination. It was probably a mixture of both.

Kastner had also had the bad luck to save the lives of 1,685 (or even more) people. This may sound paradoxical, but if that train had not reached Switzerland, no one could have stood up ten years later and asked: Why were my parents murdered while X's relatives survived? Was it because the latter were able to pay the ransom sum? Or were they relatives or friends of Dr. Kastner?

Judge Halevi may believe that he discovered the truth, which for him seems to have only one aspect. Others will not be able to agree because they see several truths on different levels. But one thing should be clear: that the story that Tamir advanced at the trial, and which the judge accepted, is not

the true one. That everything would have happened differently if Kastner had not become involved with the SS leaders, and that the Jews of Hungary could then have been warned and many of them rescued, is a fantastic hypothesis that one can entertain only if one is completely ignorant of the conditions that prevailed in Europe at that time. It can be argued that the policy Kastner and his colleagues pursued was wrong and ended in failure, but they cannot be accused in retrospect for not having followed a "policy of strength" in Budapest in the summer of 1944. One might say that a man who, like Kastner, had been trapped in such a frightful dilemma ought never to hold public office again, but how can he be considered a criminal? Is it a crime to speak the truth even if it is about an SS leader?

Many of the facts discussed in the Kastner trial can no longer be established beyond the shadow of a doubt. The meetings of the Jewish groups in Budapest in the summer of 1944 were recorded neither on tape nor in shorthand. And even if all the missing details were known, the decisive question would still be: what was the motive, what was the intent? Had Kastner really been a Nazi accomplice in the way Tamir tried to show? Had he really seen his task as the deliverance of his fellow-Jews to slaughter and the sharing of loot with SS leader Becher? This is not inconceivable, but psychologically it is most unlikely. Why then should Kastner, at the end of 1944, when the victory of the Allies was already certain, have returned to Germany from Switzerland? And why did he emigrate in 1946 from Switzerland to Israel? If Tamir's theory were correct, the logical thing would have been to take his millions to South America. Why would he have gone to Israel of all places, where he could only live in modest circumstances and would be in constant danger of being denounced and arrested as a war criminal?

I know the answer neither to this nor to many another crucial question in the Kastner case. Nor do I believe that the trial has so far contributed much to the discovery of the truth—the whole truth. It may even be

that it has helped obscure it. But how can the truth be discovered? Will three men or five, or Israel's Supreme Court, be any the better able to find it than a single man? Or would it be better to set up a Knesset committee of investigation? But in that case, again, most of the members of such a committee would be bound by party loyalties. And is anyone at this point still interested in a political party's interpretation of the truth?

Like an interrogative sentence in Spanish, the Kastner case began with a big question mark and ended with several more. These question marks will occupy Israel for a long time to come.

Postscript

PEOPLE will probably continue to debate for a long time as to whether the Kastner affair had any decisive influence on the Knesset elections of July 1955. The evidence is contradictory and inconclusive: Herut, which had suffered eclipse in the elections of 1951, made a come-back and doubled its representation. Mapai suffered a considerable loss, though still remaining the largest party by far. The Communists obviously did not profit at all. And the General Zionists, who had left the ruling coalition on the eve of the elections in order not to compromise themselves, suffered even heavier losses than Mapai. What can be said is that the Kastner case undoubtedly had some effect on the election, but certainly not a decisive one.

In the meantime, the case has been overshadowed by the renewed tension in the South, the clashes with Egypt, and the news about the Egyptian-Communist arms deal. If vital issues of national security should continue to preoccupy the Israelis in the coming months the Kastner case may well remain submerged—but hardly for very long, and certainly not forever.*

*On November 17, 1955, the *Jerusalem Post* reported that Kastner had begun a suit against Greenwald for I £50,000 for defamation of character. "In the case of the State v. Greenwald . . . Dr. Kastner was unable to call witnesses who might have testified in his favour because he did not prefer the charges, but was only a witness himself."